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## TRANSMITTAL FORM

(to be used for all correspondence during pendency of filed application)

		Application Number	10/602,490
		Filing Date	June 23, 2003
		First Named Inventor	Michael C. Stewart
		Group Art Unit Number	3763
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	10*	Attorney Docket Number	80121-07311

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
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REMARKS: \*Page count does not reflect cited references.

### SIGNATURE OF ATTORNEY OR AGENT

Signature:	<i>Albert C. Smith</i>
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355
Dated:	12/02/03

### CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	<i>Albert C. Smith</i>
Typed or Printed Name:	Albert C. Smith
Express Mail Mailing Number (optional):	
Dated:	12/02/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michael C. Stewart, et al.

APPLICATION NO.: 10/602,490

FILING DATE: June 23, 2003

TITLE: Apparatus and Method for Integrated Vessel Ligator and Transector

EXAMINER: Not Yet Known

GROUP ART UNIT: 3763

ATTY. DKT. NO.: 80121-07311

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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. A concise explanation in accordance with 37 CFR §1.98(a)(3) of the relevant portions of the cited references that are not in the English language are believed to be set forth in the summaries as follows:

**Reference H24669:** Figures 1-3, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

**Reference SU 639545:** Figures 1 and 2, and the associated descriptions disclose an electrocautery clamp device for cauterizing and/or cutting tissue.

**Reference DT 2550693:** Figure 1 on page 11, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

**Reference DE 3002088:** Figure 1 on page 5, and the associated descriptions disclose a two-armed medical device for cauterizing and/or cutting tissue.

**Reference SU 1498474** Figures 1-5, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

Reference DE 40469 Figures 1 and 2, and the associated descriptions disclose a medical device with serrated edges for cauterizing and/or cutting tissue.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
    - attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
  - after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

PATENT

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
MICHAEL C. STEWART, ET AL.

Dated: 12/02/03

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet

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of

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<b>Complete if Known</b>	
Application No.	10/602,490
Filing Date	June 23, 2003
First Named Inventor	Michael C. Stewart
Art Unit	3763
Examiner Name	Not Yet Known
Attorney Docket Number	80121-07311

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	US-6,432,115	08-13-2002	Mollenauer, et al.	
	US-H1,904	10-03-2000	Yates, et al.	
	US-6,077,277	06-20-2000	Mollenauer, et al.	
	US-5,976,130	11-02-1999	McBrayer, et al.	
	US-5,914,062	06-22-1999	von der Heyde	
	US-5,868,785	02-09-1999	Tal, et al.	
	US-5,843,017	12-01-1998	Yoon	
	US-5,827,281	10-27-1998	Levin	
	US-5,827,279	10-27-1998	Hughett, et al.	
	US-5,810,811	09-22-1998	Yates, et al.	
	US-5,807,393	09-15-1998	Williamson, IV, et al.	
	US-5,797,907	08-25-1998	Clement	
	US-5,755,717	05-26-1998	Yates, et al.	
	US-5,735,848	04-07-1998	Yates, et al.	
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	US-5,693,051	12-02-1997	Schulze, et al.	
	US-5,690,847	11-25-1997	LeValley, et al.	
	US-5,688,270	11-18-1997	Yates, et al.	
	US-5,665,085	09-09-1997	Nardella	
	US-5,647,871	07-15-1997	Levine, et al.	
	US-5,601,601	02-11-1997	Tal, et al.	
	US-5,595,565	01-21-1997	Treat, et al.	
	US-5,565,122	10-15-1996	Zinnbauer, et al.	
	US-5,558,563	09-17-1996	von der Heyde, et al.	
	US-5,527,331	06-18-1996	Kresch, et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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of

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<i>Complete if Known</i>	
Application No.	10/602,490
Filing Date	June 23, 2003
First Named Inventor	Michael C. Stewart
Art Unit	3763
Examiner Name	Not Yet Known
Attorney Docket Number	80121-07311

**U.S. PATENT DOCUMENTS**

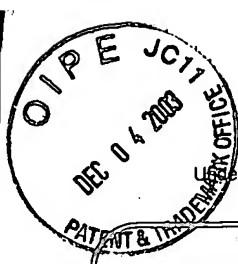
Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	US-5,512,721	04-30-1996	Young, et al.	
	US-5,496,317	03-05-1996	Goble, et al.	
	US-5,480,409	01-02-1996	Riza	
	US-5,458,598	10-17-1995	Feinberg, et al.	
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	US-5,217,458	06-08-1993	Parins	
	US-5,207,691	05-04-1993	Nardella	

Examiner Signature		Date Considered	
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Application No.	10/602,490
Filing Date	June 23, 2003
First Named Inventor	Michael C. Stewart
Art Unit	3763
Examiner Name	Not Yet Known
Attorney Docket Number	80121-07311

## U.S. PATENT DOCUMENTS

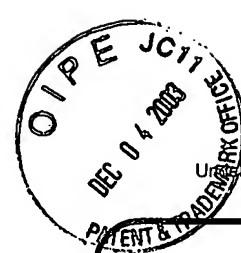
Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	US-5,197,649	03-30-1993	Bessler, et al.	
	US-5,192,280	03-09-1993	Parins	
	US-5,190,541	03-02-1993	Abele, et al.	
	US-5,171,255	12-15-1992	Rydell	
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	US-5,147,356	09-15-1992	Bhatta	
	US-5,122,137	06-16-1992	Lennox	
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	US-4,985,030	01-15-1991	Melzer, et al.	
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	US-4,655,216	04-07-1987	Tischer	
	US-4,597,379	07-01-1986	Kihn, et al.	
	US-4,516,574	05-14-1985	Hewes, Jr.	
	US-4,493,320	01-15-1985	Treat	
	US-4,370,980	02-01-1983	Lottick	
	US-4,359,052	11-16-1982	Staub	
	US-4,315,510	02-16-1982	Kihn	
	US-4,285,753	08-25-1981	Warthen	
	US-4,213,460	07-22-1980	Weiner	
	US-4,196,734	04-08-1980	Harris	
	US-4,031,898	06-28-1977	Hiltebrandt, et al.	
	US-4,030,743	06-21-1977	Warthen	
	US-3,938,527	02-17-1976	Rioux, et al.	

Examiner Signature		Date Considered	
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Sheet

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Application No.	10/602,490
Filing Date	June 23, 2003
First Named Inventor	Michael C. Stewart
Art Unit	3763
Examiner Name	Not Yet Known

Attorney Docket Number 80121-07311

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-3,934,115	01-20-1976	Peterson
		US-3,929,137	12-30-1975	Gonser
		US-3,772,127	11-13-1973	James
		US-3,625,202	12-07-1971	Oyoshirara, et al.
		US-3,613,682	10-19-1971	Naylor
		US-3,439,523	04-22-1969	Wood
		US-3,391,690	07-09-1968	Armao
		US-3,354,478	11-28-1967	Allen
		US-3,200,028	08-10-1965	Chisolm
		US-2,031,682	02-25-1936	Wappler, et al.
		US-2,028,635	01-21-1936	Wappler
		US-2,004,559	06-11-1935	Wappler, et al.

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		WO 98/38935	09-11-1998	The Trustees Of Columbia University In The City Of New York, et al.	
		WO 94/24951	11-10-1994	Medical Scientific, Inc.	
		WO 94/24949	11-10-1994	Medical Scientific, Inc.	
		WO 93/08754	05-13-1993	Medical Scientific, Inc.	
		H24669	10-31-1956	Heinen	
		SU 639545	12-30-1978	Gorinov Trofirm et al.	
		DT 2550693	05-26-1977	Karl Storz	
		DE 3002088	07-23-1981	Druckrey et al.	

Examiner Signature		Date Considered	
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Application No.	10/602,490
Filing Date	June 23, 2003
First Name and Initials	Michael C. Stewart
Art Unit	3763
Examiner Name	Not Yet Known
Attorney Docket Number	80121-07311

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		SU 1498474	8-7-1989	Vladimir Koshelev et al.	
		DE 40469	08-20-1987	Trullinger	
		EP 0517244 A1	12-09-1992	Hemostatic Surgery Corporation	
		EP 0517244 B1	03-20-1996	Hemostatic Surgery Corporation	
		EP 0518230 B1	05-15-1996	Hemostatic Surgery Corporation	

**OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>

Examiner Signature		Date Considered	
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